



## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q63371

Herbert BARTHEL, et al.

Appln. No.: 09/821,159

Group Art Unit: 2115

Confirmation No.: 4266

Examiner: Dennis Butler

Filed: March 30, 2001

For: DEVICE FOR CONTROLLING AND/OR MONITORING EXTERNAL TECHNICAL PROCESSES

#### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed (without a Statement Under 37 C.F.R. § 1.97(e)) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore a check for the fee of \$180.00 under 37 C.F.R. § 1.17(p) is attached.

INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No.: 09/821,159

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy and a translation each of Opposition of ABB Patent filed with a foreign patent office on July 25, 2003, of Opposition of Signalbau Huber filed with a foreign office on August 3, 2003 and of Siemens response filed with a foreign patent office on September 24, 2003.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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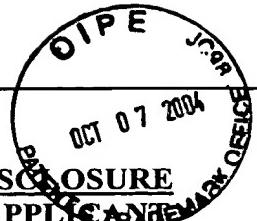
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Date: October 7, 2004

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)



Sheet	1	of	2	Attorney Docket Number	Q63371
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*Complete if Known*

Application Number	09/821,159
Confirmation Number	4266
Filing Date	March 30, 2001
First Named Inventor	Herbert BARTHEL
Art Unit	2115
Examiner Name	Dennis Butler

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>3</sup> (if known)		
		US 5,610,579		3/11/1997	EARLY ET AL.
		US 5,657,193		8/12/1997	PURKAYASTHA

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		DE	41 33 636	A1	4/15/1993		
		WO	92/13121		8/6/1992		
		DE	197 27 733	A1	1/7/1999		
		DE	696 06 898	T2	10/9/1996		
		EP	0 499 675	B1	8/26/1992		
		DE	41 33 636	A1	4/15/1993		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		Description of the SSK signal switch card from Signalbau Huber, dated October 15, 1992	
		Description of the MTC 3000 system for use with the SSK, dated February 1, 1993	
		Description of the MTC 4000 control device family from Signalbau Huber, dated 1994	
		Description of an ESST module from Signalbau Huber, dated August 1993	
		ESST safety instructions from Signalbau Huber, dated October 1993	
		System description of the line influencing system of Bosch Signalbau Huber AG, dated October 14, 1995	
		Order for the construction project for the line influencing system of Signalbau Huber, dated November 24, 1995	
		Acceptance document for the line influencing system of Signalbau Huber, dated December 19, 1996	
		Siemens, "SIMOCODE-DP 3UF5 system, motor safety and control device," Handbook, 1998, Order No. 3UF57 00-0AA00-0 issued by the Automation and Drive Technology Division, Low-Voltage Switchgear Area, dated 1998	
		Siemens, SIMOCODE 3UF1/2 system, confirmation, dated 1986	
		Siemens, "Switchgear equipment and system": The 96/97 catalog of low-voltage switching technology, Order No. E20002-K1002-A7 issued by the Drive Technology, Switchgear and Installation Technology Department, Low-Voltage Switchgear Area, dated 1996/97	
		Babb, M.: "Motor overload protection becomes 'Communications-capable'," Control Engineering International, US, Cahners Publishing, Vol. 43, No. 8, June 1, 1996, pp. 69-70, 72, XP000621754, ISSN: 0010-8049	

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.